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18
19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**
21 **(SAN FRANCISCO DIVISION)**

22 **In re:**

23 **VIAGRA (SILDENAFIL CITRATE) AND**
24 **CIALIS (TADALAFIL) PRODUCTS**
25 **LIABILITY LITIGATION**

Master File No.: 3:16-md-02691-RS

ORDER GRANTING SUMMARY
JUDGMENT AND ENTERING
FINAL JUDGMENT IN FAVOR OF
DEFENDANTS

26 This Document Relates to: ALL ACTIONS

1 Having reviewed the parties Joint Statement Regarding *Daubert* Order and Summary
2 Judgment (“Joint Statement”), the Court hereby finds and orders as follows:

3 1. On January 13, 2020, the Court entered an Order Granting in Part and Denying in Part
4 Motions to Exclude Expert Testimony [DE 1012] (“Daubert Order”). In the Daubert Order, the
5 Court granted in part the *Daubert* motions of Defendants Pfizer Inc. and Eli Lilly and Company,
6 excluding the general causation opinions of Plaintiffs’ experts. Daubert Order at 21.

7 2. In light of the Daubert Order, the parties agree, and the Court finds, that Defendants are
8 entitled to and hereby are granted summary judgment in their favor as to all of Plaintiffs’
9 claims. *See Nelson v. Matrixx Initiatives, Inc.*, 592 F. Appx. 591, 592 (9th Cir. 2015) (“General
10 and specific causation” “must be proven within a reasonable medical probability based upon
11 competent expert testimony.”); *Cox v. Depuy Motech, Inc.*, 2000 WL 1160486, at *7 (S.D. Cal.
12 March 29, 2000) (“Because plaintiff does not have an expert who can establish medical
13 causation, an essential element of a products liability claim, plaintiff cannot withstand
14 defendant’s motion for summary judgment on the issue of causation.”); *see also In re Zoloft*
15 *Prods. Liab. Litig.*, 858 F.3d 787, 800 (3d Cir. 2017) (affirming exclusion of general causation
16 expert and entry of summary judgment).

17 3. Nothing in this Order shall be construed as a waiver of Plaintiffs’ or Defendants’
18 appellate rights regarding the Daubert Order, and nothing in the Joint Statement should be
19 construed as a waiver of any argument that the Plaintiff may have on appeal or in any further
20 proceeding in this matter.

21
22 IT IS SO ORDERED.

23 Dated: April 8, 2020
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HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE